



## DEPARTMENT OF LABOR

### **Agency Information Collection Activities; Submission for OMB Review; Comment Request; Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before **[INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](https://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to

respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Mara Blumenthal by telephone at 202-693-8538, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This information collection request supports the Temporary Final Rule, Exercise of Time-Limited Authority to Increase the Fiscal Year 2022 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking to Change Employers, which was promulgated by the Department of Labor and the Department of Homeland Security (DHS). The regulatory requirements were codified at 8 CFR part 214 and 20 CFR part 655 and the information collection activities covered under Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers under Section 105 of Division O of the Consolidated Appropriations Act, 2021, Public Law 116-260, and Public Laws 117-43 and 117-70, Form ETA-9142-B-CAA-5 (Form ETA-9142-B-CAA-5), along with other requirements (e.g., recruitment efforts; recordkeeping requirements), covered under Office of Management and Budget (OMB) Control Number 1205-0549. DOL seeks to revise OMB 1205-0549 to eliminate the requirement that employers complete and submit the Form ETA-9142-B-CAA-5 to DHS, but extend the recordkeeping requirements for an additional three years. For additional substantive information about this ICR, see the related notice published in the *Federal Register* on January 28, 2022 (87 FR 4722).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of

information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL-ETA.

*Title of Collection:* Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers.

*OMB Control Number:* 1205-0549.

*Affected Public:* Private Sector— Businesses or other for-profits, not-for-profit institutions, and farms.

*Total Estimated Number of Respondents:* 1,226.

*Total Estimated Number of Responses:* 1,226.

*Total Estimated Annual Time Burden:* 307 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: June 28, 2022.

**Mara Blumenthal,**

*Senior PRA Analyst.*

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